

**CITY OF SURPRISE
PLANNING AND ZONING COMMISSION**

MEETING MINUTES

March 19, 2015 / 6:00 PM

**COUNCIL CHAMBERS
16000 North Civic Center Plaza
Surprise, AZ 85374**

CALL TO ORDER.

Chair Steve Somers called the Planning and Zoning Commission Meeting to order at 6 p.m. at Surprise City Hall, 16000 North Civic Center Plaza, Surprise, Arizona 85374, on Thursday, March 19, 2015.

A. ROLL CALL

In attendance were Chair Somers, Vice Chair Ken Chapman and Commissioners Peter Pervi, Dennis Smith, Jerry Hoyler and Mathew Keating. Commissioner Matthew Bieniek was absent.

STAFF PRESENT:

Community Development Director Eric Fitzer, Deputy City Attorney Donna Bronski, Assistant Director Chris Boyd, Long Range Planning Manager Lloyd Abrams, Planner Hobart Wingard, Planner Robert Kuhfuss, Neighborhood Services Supervisor Christina Ramirez and Planning and Zoning Commission Secretary Heather Donaldson.

COUNCIL MEMBERS PRESENT:

None

B. PLEDGE OF ALLEGIANCE

C. CURRENT EVENTS REPORT

D. STAFF REPORT

CALL TO THE PUBLIC:

None

CONSENT AGENDA:

No Items

REGULAR AGENDA ITEMS NOT REQUIRING A PUBLIC HEARING:

Item 1 – INTERNAL – Consideration and action on the March 5, 2015 Planning and Zoning Commission minutes.

A request was made by Chair Somers to revise some language within the March 5, 2015 meeting minutes to read, Chairman suggested having groundbreaking and grand opening ceremonies for projects like this.

Vice Chair Chapman made a motion to approve the Planning and Zoning Commission Minutes, as amended, for March 5, 2015. Commissioner Keating seconded the motion. The motion passed with 6 yes votes and one absence.

Item 2 – DISTRICT 5 – Consideration and action regarding a Major Site Plan for Texas Roadhouse Restaurant located on the southwest side of Grand Avenue, southeast of Parkview Place, within the Park Place PAD.

Robert Kuhfuss, Planner II, presented the project to the Commission. Staff recommends approval of a Major Site Plan for Texas Roadhouse Restaurant.

The Commission discussed:

- Discussions between Texas Roadhouse and Outback regarding access
- Surrounding properties (besides Outback) and access
- Possible obstruction for fire apparatus (tree)
- Number of parking spaces
- Entrances proximity
- Signage

Commissioner Pervi made a motion to approve a major site plan for Texas Roadhouse Restaurant subject to staffs' recommended stipulation 'a' as listed in the staff report. Commissioner Keating seconded the motion. The motion passed with 6 yes votes and one absence.

REGULAR AGENDA ITEMS REQUIRING A PUBLIC HEARING:

Item 3 – CITYWIDE – Consideration and action on a Zoning Text Amendment regarding the regulation of donation bins within the City of Surprise.

Hobart Wingard, Planner II, presented the proposed Zoning Text Amendment versions to the Commission. Staff recommended approval of Version C of a zoning text amendment to institute regulations for donation bins within the City of Surprise.

Chair Somers opened the Call to the Public:

Robby Milner, representing American Textile Recycling, fully supports the ordinance and would like to include authorized agent within the language of the ordinance. He expressed concerns regarding the costs involved of having to paint the permit numbers on donation bins. He asked that language be inserted giving the bin owners a grace period to rectify any violations before the bins are removed. He recommended a 3 month grace period for bin owners to be in compliance once the ordinance is brought into practice.

Benjamin Graff, Withey Morris, PLC, representing Goodwill of Arizona, is very pleased with the direction staff has taken with this ordinance. He pointed out that there is a significant difference in something that is only in policy and not in ordinance. He is in full support of Version B provided by staff as it requires notarized, written authorization.

Jim Mapstead, former member of City of Phoenix Planning Commission, speaking on behalf of the Coalition of the Neighborhood Activists and Property Managers in Phoenix who support the regulation of donation bins in Phoenix communities. He supports Version B as notarized written authorization would be required.

Chair Somers closed the call to the public.

The Commission discussed:

- Adding authorized agent to Version B
- Notarization policy versus ordinance
- Schools and churches who have their own bins on their property
- Difference between having something in policy or in code (benefit to the City)
- Statement on bin advising the percentage of proceeds which are given to charity
- Link on City website to disclose percentage of proceeds which are given to charity

Vice Chair Chapman made a motion to recommend approval to the Mayor and City Council of Zoning Text Amendment Version B regarding the regulation of donation bins within the City of Surprise with the following revisions:

- Add “or authorized agent” after “the property owner” in section 9

The motion also includes the revised language for (f)1 which states:

(f) Donation bins shall be subject to the following requirements:

(1) Donation bins are permitted in commercial, business park, industrial, and public facilities zoning districts. Places of Assembly and other public facilities located in residential zoning districts may be permitted.

The motion also includes a change to Version B(10) which states:

(10) The property owner will control the temporary use permit. As such, the owner or authorized agent may rescind their authorization by submitting a cancellation request to the City in writing. At the request of the property owner or authorized agent, the permit will be revoked.

Commissioner Pervi seconded the motion. The motion passed with 6 yes votes and one absence.

Item 4 – CITYWIDE – Consideration and action on the Consolidated Plan 2015-2019 for the Community Development Block Grant Program.

Christina Ramirez, Neighborhood Services Supervisor, presented the Consolidated Plan 2015-2019 to the Commission.

No members of the public were present.

Vice Chair Chapman made a motion to recommend approval to the Mayor and City Council of the Consolidated Plan 2015-2019 for the Community Development Block Grant Program. Commissioner Keating seconded the motion. The motion passed with 6 yes votes and one absence.

Item 5 – CITYWIDE – Consideration and action on the 2015-2016 Community Development Block Grant Annual Action Plan funding recommendations.

Christina Ramirez, Neighborhood Services Supervisor, presented the 2015-2016 Community Development Block Grant Annual Action Plan funding recommendations to the Commission.

Commissioner Hoyler made a motion to recommend approval to the Mayor and City Council of the Community Development Block Grant Annual Action Plan funding recommendations as follows:

Administration	\$108,389
Neighborhood Improvement Projects	\$360,224
Public Service Set-Aside (15%)	\$82,696

For a total of \$551,309

No members of the public were present.

Commissioner Pervi seconded the motion. The motion passed with 6 yes votes and one absence.

OTHER BUSINESS:

Item 6 – INTERNAL - Discussion for future agenda items.

None

ADJOURNMENT:

Hearing no further business, Chair Somers adjourned the Planning and Zoning Commission meeting at 7:18 p.m.

Eric Fitzer
Community Development Director

Steve Somers, Chair
Planning and Zoning Commission

The foregoing instrument is a full, true and correct copy of the original document on file in the office of the City Clerk, City of Surprise, Arizona.

ATTEST BY: _____
Heather Donaldson, Commission Secretary

DATE: _____

March 19, 2015

Zoning Text Amendment

The Regulation of Donation Bins within the City of Surprise – Staff Revisions

Sec. 122-105. - Temporary ~~u~~Uses. PERMITS

ALL VERSIONS

(f) DONATION BINS SHALL BE SUBJECT TO THE FOLLOWING REQUIREMENTS:

(1) DONATION BINS ARE PERMITTED IN COMMERCIAL, BUSINESS PARK, INDUSTRIAL, AND PUBLIC FACILITIES ZONING DISTRICTS. PLACES OF ASSEMBLY AND OTHER PUBLIC FACILITIES LOCATED IN RESIDENTIAL ZONING DISTRICTS MAY BE PERMITTED.

VERSION A

(9) THE PROPERTY OWNER WILL CONTROL THE TEMPORARY USE PERMIT. AS SUCH, THE OWNER OR AUTHORIZED AGENT MAY RECIND THEIR AUTHORIZATION BY SUBMITTING A CANCELLATION REQUEST TO THE CITY IN WRITING. AT THE REQUEST OF THE PROPERTY OWNER OR AUTHORIZED AGENT, THE PERMIT WILL BE REVOKED.

VERSION B

(10) THE PROPERTY OWNER WILL CONTROL THE TEMPORARY USE PERMIT. AS SUCH, THE OWNER OR AUTHORIZED AGENT MAY RECIND THEIR AUTHORIZATION BY SUBMITTING A CANCELLATION REQUEST TO THE CITY IN WRITING. AT THE REQUEST OF THE PROPERTY OWNER OR AUTHORIZED AGENT, THE PERMIT WILL BE REVOKED.

VERSION C

(10) THE PROPERTY OWNER WILL CONTROL THE TEMPORARY USE PERMIT. AS SUCH, THE OWNER OR AUTHORIZED AGENT MAY RECIND THEIR AUTHORIZATION BY SUBMITTING A CANCELLATION REQUEST TO THE CITY IN WRITING. AT THE REQUEST OF THE PROPERTY OWNER OR AUTHORIZED AGENT, THE PERMIT WILL BE REVOKED.